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REPORT ON THE ADMINISTRATION

OF

Civil Justice in Oudh

DURING THE YEAR ENDING 31ST DECEMBER 1889.

ALLAHABAD:

NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.

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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE IN OUDH

during the year ending 31st December 1889.

No. 1327 OF 1890.

FROM

J. DYSON, ESQ.,

OFFG. JUDICIAL COMMISSIONER, OUDH,

TO

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH, JUDICIAL (CIVIL) DEPT.

Dated Lucknow, the 4th September 1890.

SIR,

I HAVE the honour to submit a report, together with the prescribed returns, relating to the administration of Civil Justice in Oudh during the year ending the 31st December 1889. The original reports of Commissioners, Deputy Commissioners, District Judges and Judges of Small Cause Courts are also submitted herewith.

2. The Government sanctioned the employment of a statement compiler for six months this year as against two months in 1889; but even with this substantial assistance it has been a matter of difficulty to submit this report three and a half months after the prescribed date. The work of supervision in this office is of course much greater than heretofore, owing to the fact that two Judges have up to date sat five months out of the eight, and therefore less time could be given for the preparation of this report. I may add that, although the returns are received with some punctuality, they have to be continually sent back for correction.

Income and expenditure. Returns G and H.

3. There was an increase of Rs. 52,428 in the amount of net stamp fees realized by civil courts during 1889 as compared with receipts in 1888, when Rs. 4,81,481 were received as against Rs. 5,33,909 in 1889. Details for both years are here given :—

Judgeship.	1888. Rs.	1889. Rs.	*Difference.* Rs.
Lucknow	1,56,267	1,69,896	+13,629
Sitapur	80,215	1,02,831	+22,616
Fyzabad	1,13,984	1,42,204	+28,220
Rae Bareli	94,532	85,370	−9,162
Judicial Commissioner's Court	36,483	33,608	−2,875

It will be seen from the figures given in para. 8 that suits exceeding Rs. 10,000 in value have increased from 80 to 121. This increase is in the number of suits of a value not exceeding Rs. 4,10,000, upon which the maximum fee of Rs. 3,000 is chargeable. The value of suits in excess of that amount has greatly fallen off.

4. The income and expenditure of all civil courts during 1888 and 1889 were—

	1888. Rs.	1889. Rs.	Difference. Rs.
Income.			
Net value of stamps	4,81,481	5,33,909	
Duty and penalty on instruments	3,517	2,679	
Fines	291	569	
Process fees	1,00,984	1,04,000	
Judicial record fund	38,834	42,069	
Total ...	6,25,107	6,84,126	+59,019
Expenditure.			
Salaries of officers and establishments... ...	3,84,609	3,88,654	
Process serving establishment	60,056	63,064	
Judicial record fund	19,163	20,401	
Total ...	4,63,828	4,72,119	+8,291
Surplus ...	1,61,279	2,12,007	+50,728

5. The surplus will, however, stand at Rs. 2,64,404 if two-thirds of the expenditure of the Judicial Commissioner's Court be debited to the Rent and Criminal Departments.

6. Process fees brought a profit to Government of Rs. 41,836 after meeting all expenditure, which amounted to Rs. 63,064. In like manner, after paying Rs. 20,401 to copying establishment, Rs. 22,668 remained as profit realized on copying fees.

ORDINARY CIVIL COURTS.

IMPERIAL RETURN No. VII.
Suits instituted (ordinary Civil Courts, *i.e.*, exclusive of Small Cause and Rent Courts).

7. The number of suits instituted in ordinary civil courts, other than Small Cause Courts, shows a falling off of 1,432 in 1889, as compared with the number in 1888. On the other hand, Small Cause Courts show an increase of 1,517 suits instituted. The number of institutions in both classes of courts during 1888 and 1889 is given below :—

	1888.	1889.
Ordinary Civil Courts	39,535	38,103
Small Cause Courts	23,358	24,875
	62,893	62,978

The figures show that the amount of litigation was about the same in the two years, but was differently distributed owing to there being two more Small Cause Courts in 1889.

IMPERIAL RETURN No. VIII.
Value of subject matter of suits (Ordinary Civil Courts).

8. The value of the subject matter of ordinary civil suits instituted during 1889 decreased by nearly 17 lakhs of rupees as compared with the figures of the preceding year, which were Rs. 94,57,899 as against Rs. 77,65,624 in 1889, the difference being Rs. 16,92,275. In the Fyzabad Judgeship there was a decrease of Rs. 13,50,313 and in Rae Bareli of Rs. 10,18,140, whilst Lucknow shows an increase of Rs. 4,40,481 and Sitapur an increase of Rs. 2,35,697. These fluctuations are mainly caused by the institution of suits valued at Rs. 10,000 and upwards varying in the several Judgeships.

The figures of District Judges' Courts for 1888 and 1889 are—

	1888. Rs.	1889. Rs.	Difference. Rs.
Lucknow	5,57,702	9,98,370	+4,20,638
Sitapur	1,69,393	2,29,563	+60,170
Fyzabad	33,99,270	15,62,543	−18,36,727
Rae Bareli	14,19,083	3,92,030	−10,27,053

There were 108 suits valued at Rs. 10,000 and 121 suits valued at sums exceeding that amount. In 1888 the suits valued at Rs. 10,000 numbered 57, and 80 were valued above that sum. In 1889 the average value of each ordinary civil suit was Rs. 206-0-2 as against Rs. 239-3-7 in 1888.

9. Out of 10 of the more numerous kinds of suits instituted during 1889, four show an increase in number as compared with the figures of the previous year. A comparative statement for both years is given :—

Description of suits (ordinary Civil Courts).

	1888.	1889.	Difference.
Contract in writing	12,893	13,519	+626
Immovable property	6,137	6,417	+280
Movable property	2,022	2,103	+81
For enforcement of matrimonial rights	269	298	+29
Contract not in writing	6,584	5,565	−1,019
Goods sold	2,162	1,789	−373
Other suits for money	1,416	1,160	−256
Money had and received	689	440	−249
On account stated	2,750	2,584	−166
Damages	1,605	1,516	−89

The description of suit "Contract not in writing" shows a decrease of 1,019 suits instituted in ordinary civil courts, but the same heading shows an increase of 703 suits instituted in Small Cause Courts during 1889. In like manner Small Cause Courts show an increase of 142 suits instituted for "Goods sold" in 1889 over the figures of 1888, whilst ordinary civil courts show a decrease of 373 such suits.

10. The number of suits filed in the different classes of ordinary civil courts during the years 1887, 1888 and 1889 is given below :—

Courts in which suits were instituted.

	1887.	1888.	1889.
Honorary Assistant Commissioners	2,804	3,474	3,151
Sub-Judges and Munsifs	39,762	35,945	34,811
District Judges	98	116	141

The falling off in the number of suits filed in the Courts of Honorary Assistant Commissioners is confined to the Sitapur and Fyzabad Judgeships, being 201 suits in the first and 206 in the last named. No cause is assigned for this falling off by the District Judges. On the other hand, 89 suits were filed in this class of courts in the Rae Bareli Judgeship in excess of the number filed in 1888. The increase in the number of institutions in District Judges' Courts is mainly due to a talúkdár of the Gonda district having filed in the Court of the District Judge of Fyzabad a large number of suits to set aside certain decrees for under-proprietary and other rights obtained against his estate at settlement.

11. The number of suits disposed of by ordinary civil courts during 1889 aggregated 39,728, being 2,359 fewer than in 1888. Turning to the return for Small Cause Courts, it will be seen that 2,561 were disposed of in excess of 1888, so that the total number of cases shows an improvement, though the work done was probably less onerous. At the close of 1889 there were 6,399 suits pending, being 13·8 per cent. of the total number for disposal. The following statement shows how suits were disposed of during 1888 and 1889 :—

Imperial Return No. IX, Part 1, mode of disposal (ordinary civil courts).

	1888.	1889.	Difference.
Disposed of without trial.			
Plaints rejected or returned	980	865	+ 115
Dismissed for default	7,848	6,326	— 1,522
Withdrawn with leave	1,236	1,046	— 190
Disposed of without contest.			
Compromised	5,713	5,791	+ 78
Decreed on confession	5,020	4,208	— 812
„ *ex parte*	4,459	4,329	— 130
Dismissed „	877	847	— 30
Disposed of with contest.			
Judgment for plaintiff	9,917	10,546	+ 629
„ defendant	5,762	5,541	— 221
On reference to arbitration.			
For plaintiff	204	171	— 33
„ defendant	71	58	— 13
Pending ...	6,746	6,399	— 347

The percentage of suits dismissed for default to the total number disposed of fell to 15·9 in 1889 from 18· in 1888 and the same in 1887.

12. The District Judge, Lucknow, writes—

"As there were 91 reinstitutions allowed under section 99, Civil Procedure Code, it appears that the large number of dismissals for default was not due to failure on part of the courts. Inspection of records has not shown any irregularity;"

and the District Judge, Fyzabad, remarks—

"* * It is satisfactory to note that the high percentage is noticeable chiefly in Small Cause Court cases. In these cases the parties often settle their disputes out of court and do not appear at all on the day fixed for hearing the case."

13. The pending suits for the two years were as under :—

	1888.	1889.
Ordinary	6,746	6,399
Small Cause Court	2,266	2,249
	9,012	8,648

This shows a considerable improvement in numbers, but, as already indicated, not an increase in work, the institution of ordinary suits being so much less than in 1888. The Sub-Judge of Bahraich had 635 ordinary and 422 Small Cause Court cases pending, but he shows a good record of work, 985 ordinary, 1,920 Small Cause Court cases and 80 appeals having been disposed of by him. The next highest figures are those of the court of Munshi Ikram-ud-din Husain Khan, Munsif of Unao, who, however, disposed of 4,178 cases. It is, I think, evident that the large number of pending suits is due not so much, if indeed at all, to want of assiduity on the part of any officers, as to the unequal distribution of work which gives some men more than they can possibly do. Colonel Newbery points out with reason that in any comparison of his work with that of the other Judges it should be remembered that 43 whole days and part of 25 other days were given to sessions work.

Distribution of work (ordinary civil courts).

14. The following statement shows the number of suits disposed of by each class of courts during 1888 and 1889 :—

	Number of suits disposed of.		Percentage on total number disposed of.	
	1888.	1889.	1888.	1889.
Honorary Assistant Commissioners ...	3,520	3,331	8·3	8·3
Munsifs	32,329	30,439	76·3	76·6
Sub-Judges	6,144	5,855	14·5	14·7
District Judges	94	103	0·22	0·25

Duration of suits (ordinary civil courts).

15. The average duration of suits in the several classes of courts during 1888 and 1889 was—

	Contested. Days.		*Uncontested.* Days.	
	1888.	1889.	1888.	1889.
Honorary Assistant Commissioners ...	68·37	85·69	56·72	54·05
Munsifs	76·75	77·62	44·82	38·25
Sub-Judges	119·40	120·99	70·99	74·99
District Judges	313·11	361·98	84·52	124·20

The Government commented at some length upon the average duration of cases for 1888 and quoted the figures of certain courts. A circular was issued on the subject, and the District Judge of Lucknow in his annual report offers explanations. The increase in duration of suits in the Northern Munsifi from 132 to 209 days, and in the Southern Munsifi from 149 to 186 days, is very serious. Colonel Newbery points out that there were four changes in the former and three in the latter court during the year. These frequent changes necessarily caused serious derangement of work, for it often happens that the witnesses and arguments have to be reheard, and I think sufficiently account for the increased number of days. In respect of his own court Colonel

Newbery has given the explanation already quoted. The Judge of Fyzabad in a letter dated 11th March offered certain explanations in regard to the duration of cases in 1888, but the report for 1889 is almost silent on the subject. He has been called upon to explain. It may, however, be said generally in respect of the three districts, and especially of the Judge's Court, that a number of very old cases were disposed of, which seriously ran up the average.

Adjournments (ordinary civil courts).

16. The highest number of adjournments in a single suit (57) was granted by the District Judge, Rae Bareli, in a very complicated case. The examination of several old account books lasted over six months and the proceedings in the suit took three years to complete. The Sub-Judge, Sitapur, at the request of the arbitrators, granted no less than 27 adjournments in a suit which was referred to arbitration. This procedure was indefensible and shows want of firmness on the part of this officer.

IMPERIAL RETURN No. IX, PART 2.
Miscellaneous cases (ordinary civil courts).

17. Ordinary Civil Courts disposed of 7,509 miscellaneous cases during 1889, being 176 more than in the previous year. They were disposed of in the following manner. Of 4,805 contested cases 2,908 were decided in favour of the plaintiff and 1,897 in favour of the defendant, 1,719 cases were struck off, 212 were compromised, 291 were decreed on confession, 475 were decreed or dismissed *ex parte* and seven were referred to arbitration.

18. The average duration of a case was—

	Contested. Days.		*Uncontested.* Days.	
	1888.	1889.	1888.	1889.
Honorary Assistant Commissioners	41·37	49·01	49·02	39·45
Munsifs	37·36	34·34	31·12	28·72
Sub-Judges	45·53	38·63	26·12	29·53
District Judges	104·91	96·73	74·00	50·25

It will be seen that with the exception of contested cases in the Courts of Honorary Assistant Commissioners the average duration of both contested and uncontested cases in all classes of courts was much lower in 1889 than in 1888.

IMPERIAL RETURN No. X, PART 1.
Appeals from decrees (ordinary civil courts).

19. The number of appeals instituted in the Courts of District Judges and Subordinate Judges during the year under report aggregated 3,655, being 33 in excess of the number instituted in 1888.

A comparative statement giving the number of appeals for hearing and showing the mode of their disposal in 1888 and 1889 is here given :—

	1888.	1889.	*Percentage on total number disposed of.* 1888.	1889.
Total number of appeals for hearing	4,867	4,823	...	...
Rejected	150	113	4·02	2·80
Dismissed for default	196	102	5·25	4·15
Heard ex parte.				
Confirmed	25	86	1·31	2·76
Modified	6	5		
Reversed	7	8		
Remanded	11	9		
Contested.				
Confirmed	2,156	2,213	57·84	56·71
Modified	306	328	8·21	8·10
Reversed	519	619	13·92	15·86
Remanded	351	359	9·41	9·22
Pending ...	1,140	921	...	...

20. The number of appeals pending at the close of 1889 was 219 less than at the commencement of the year. Out of 728 pending in District Judges' Courts, 295 were

at Fyzabad, at which station also 72 were pending out of a total of 193 pending in Sub-Judges' Courts.

21. The average duration of appeals fell from 116 days in 1888 to 105 days in 1889. The Fyzabad District Judge's Court shows an average duration of 200 days in consequence of 14 appeals pending from 1887 and 252 from 1888.

The lowest average duration in Sub-Judges' Courts was 24 days at Lucknow; the highest average was 124 days at Bahraich, where the Sub-Judge is overwhelmed with work, as already reported to Government.

Appeals to the Court of Judicial Commissioner.

22. The number of first and second civil appeals that came before the Judicial Commissioner for disposal in 1889 aggregated 928, being 219 in excess of the previous year's figures. Details of the number disposed of in each year are given below :—

	1888.	1889.	Percentage on total for disposal. 1888.	1889.
Rejected	4	15	1·42	2·90
Dismissed for default	6	12		
Heard ex parte.				
Confirmed	2	15	0·28	2·69
Modified	...	1		
Reversed	...	9		
Remanded	...	1		
Contested.				
Confirmed	195	151	27·50	16·27
Modified	34	22	4·79	2·37
Reversed	75	51	10·57	5·49
Remanded	2	4	0·28	0·43
Pending	391	647	55·14	69·72

In 1889 the average duration of first civil appeals was 423 days and of second civil appeals 374 days.

IMPERIAL RETURN No. X, PART 2. Miscellaneous (Judicial Commissioner's Court).

23. In addition to the appeals referred to in the foregoing paragraph, there were 157 miscellaneous civil appeals before the Judicial Commissioner in 1889, of which 82 remained pending at the close of the year. The average duration was 211 days. There were also 310 applications for revision under section 622, Civil Procedure Code, for disposal. Of these 117 were rejected or dismissed and 107 remained pending at the close of the year, the others being disposed of as follows :—Decree confirmed 57, reversed or modified 23, and six were remanded. The average duration was 100 days.

Courts of District and Subordinate Judges.

24. The number of miscellaneous civil appeals disposed of in 1889 by District Judges was 366 and by Sub-Judges 117, being altogether 119 more than in 1888. The 483 appeals were thus disposed of :—130 were rejected or dismissed, orders were confirmed in 200 cases, modified in 13 cases and reversed in 93 cases, whilst 47 cases were remanded. At the close of the year 57 appeals remained pending as against 104 pending at the close of 1888.

The average duration was 63 days as against 78 in 1888.

IMPERIAL RETURN No. XI. Execution of decrees (ordinary civil courts).

25. Applications for execution of decree which were before the ordinary civil courts for disposal in 1889 numbered 29,476, being 1,472 in excess of the figures of 1888. The manner in which such applications were disposed of in both years is shown below :—

	1888.	1889.	Percentage to total number of applications. 1888.	1889.
Satisfied in full	9,541	9,705	34·07	32·91
Do. in part	3,837	4,014	13·70	13·61
Wholly infructuous	10,606	10,906	37·87	36·99
Pending	4,020	4,851	14·35	16·45

26. The percentage of decrees satisfied fully or partially during 1889 was 46·52 as against 47·77 in 1888, showing a decrease of 1·25. As, however, there is a decrease of ·88 in the number of wholly infructuous decrees and an increase of 2·10 of applications pending in 1889 as compared with the 1888 percentages, it would seem that the courts were as successful in 1889 in the execution of decrees as they usually are.

IMPERIAL RETURN No. XII.
Insolvency (ordinary civil courts).

27. In 1889 there were 41 applications for declaration of insolvency for disposal, of which 15 were rejected or transferred, nine were granted and 17 remained pending at the close of the year.

PROVINCIAL RETURN No. XV.
Witness statement (ordinary civil courts).

28. The ordinary civil courts examined 57,456 witnesses in 1889, being 200 more than in 1888. Over 97 per cent. of witnesses examined were discharged on the day they attended.

PROVINCIAL RETURN No. XVI.
Process fees.

29. Exclusive of Small Cause Courts proper, the civil courts realized Rs. 96,304 on account of process fees and expended Rs. 64,966, leaving a surplus of Rs. 31,338 in 1889 as against Rs. 31,135 in 1888.

PROVINCIAL RETURN No. XVIII.
Sale Commission Fund.

30. During 1889 the civil courts other than Small Cause Courts received Rs. 10,141 on account of sale commission fund and expended Rs. 2,095, leaving a balance of Rs. 8,046 as against Rs. 7,582 in 1888.

Records.

31. Good progress was made in the weeding of records, for, besides a great amount of other work, such as preparing lists of cases, copying registers, filing execution proceedings with original suits, the under noted files were weeded :—

Judgeship.	A files.	B files.
Sitapur	30,457	25,377
Rae Bareli	13,376	35,840
Lucknow	12,275	25,406
Fyzabad	8,029	26,571

SMALL CAUSE COURTS.

IMPERIAL RETURN No. VII.
Suits instituted (Small Cause Courts).

32. During the year under report 24,875 suits were instituted in Small Cause Courts of all kinds, being 1,517 more than in the preceding year. Small Cause Courts proper, that is, courts for the disposal of this class of case only, show a falling off in institutions of 967 suits, and the Courts of Sub-Judges and Munsifs on the Small Cause Court side show an increase of 2,784 suits as compared with the number filed in 1888.

33. The fluctuation in the different classes of suits instituted in 1889, as compared with the previous year's figures, is shown below :—

Contract in writing	+943
" not in writing	+703
Goods sold	+142
Wages, work and material	+107
Rent not falling under the Rent Law	+ 88
Other suits for money, &c.	+ 18
On account stated	−232
Damages	−149
Money had and received	− 89
Movable property	− 14

IMPERIAL RETURN No. VIII.
Value of suits instituted (Small Cause Courts).

34. The value of the subject matter of suits filed in Small Cause Courts rose to Rs. 7,35,360 in 1889 from Rs. 6,65,040 in 1888, being an increase of Rs. 70,320, which is a natural result of a greater number of suits being filed in 1889 than 1888.

35. Though the number of suits filed in 1889 shows a noticeable increase as compared with the number filed in 1888, the percentage of suits valued at more than Rs. 50 was almost the same in each year, it being 11·4 in 1888 and 11·8 in 1889. The average value per suit rose from Rs. 28-7-6 in 1888 to Rs. 29-2-5 in 1889.

36. The total value of suits instituted in the Courts of Sub-Judges and Munsifs on the Small Cause Court side in 1889 was greater by Rs. 93,529 than in the previous year, but the Lucknow City Small Cause Court shows a decrease of Rs. 24,098.

IMPERIAL RETURN No. IX, PART 1. Mode of disposal (Small Cause Courts).

37. There was an increase of 2,544 in the number of suits that were before Small Cause Courts for disposal in 1889, when it aggregated 27,497 as compared with 24,953 suits in 1888.

38. The following percentages calculated on the total number of suits before the courts show the manner in which they were disposed of :—

	Percentage to total number of suits for disposal.		*Difference.*
	1888.	1889.	
Without trial	16·7	17·7	+1·0
Without contest.			
Compromised	15·5	15·4	−0·1
Decreed on confession	19·7	17·8	−1·9
Do. *ex parte*	14·5	13·8	−1·7
Dismissed	1·1	1·7	+0·6
With contest.			
By arbitration	0·2	0·1	−0·1
In favour of plaintiff	15·8	17·2	+1·4
Ditto defendant	6·9	7·7	+0·8
Pending	9·0	8·1	−0·9

The average duration of contested suits in 1889 was 38 days and of uncontested 37 days, as against 37 and 34 days respectively in 1888.

IMPERIAL RETURN No. IX, PART 2. Miscellaneous cases (Small Cause Courts).

39. There were 1,486 miscellaneous cases before Small Cause Courts for disposal during 1889, being 154 more than in 1888. Of these 1,486 cases, 586 or 57 per cent. were contested, 557 being decided in favour of plaintiff and 299 in favour of defendant; 374 or 25 per cent. were disposed of without trial, one case was referred to arbitration and 156 cases or 10 per cent. were disposed of without contest, leaving 99 cases or 6 per cent. pending at the close of the year.

IMPERIAL RETURN No. XI. Execution of decrees (Small Cause Courts).

40. Applications for execution of decree that were before Small Cause Courts for disposal in 1889 numbered 13,334, being 1,365 in excess of the figures of 1888. The following statement shows how these applications were disposed of and the amount realized in the abovementioned years :—

	Applications.		*Percentage to total number of applications.*	
	1888.	1889.	1888.	1889.
Satisfied in full	3,107	3,568	26·46	26·75
Ditto part	2,229	2,746	18·62	20·59
Wholly infructuous	5,806	5,989	48·50	44·91
Pending	767	1,031	6·40	7·73

	1888.	1889.	*Difference.*
	Rs.	Rs.	Rs.
Amount realized with issue of process	1,18,792	1,15,316	— 3,476
Ditto without ditto	19,177	18,280	—897

The percentage of decrees fully or partially satisfied rose to 47·34 in 1889 from 45·08 in 1888.

The amount realized with or without issue of process shows a falling off of Rs. 4,373.

PROVINCIAL RETURN No. XV.
Witness statement (Small Cause Courts proper).

41. The number of witnesses examined in the Lucknow City, Lucknow Cantonment and Fyzabad Cantonment Small Cause Courts aggregated 3,120 in 1889, and 3,053 were discharged the day they attended.

PROVINCIAL RETURN No. XVI.
Process Fee Fund (Small Cause Courts proper).

42. The abovementioned Small Cause Courts realized Rs. 6,196 and expended Rs. 6,135 on account of process fees in 1889. The surplus amounted to Rs. 61 only.

PROVINCIAL RETURN No. XVIII.
Sale Commission Fund (Small Cause Courts proper).

43. Out of Rs. 242 realized by Small Cause Courts on account of sale commission fees Rs. 144 were expended, leaving a surplus of Rs. 98 only.

RENT COURTS.

IMPERIAL RETURN No. VII.
Suits instituted (Rent Courts).

44. In 1889 the number of suits filed in the Rent Courts rose to 32,614 from 27,845 in 1888, the increase being 4,769 suits.

45. The following statement shows the number of institutions in each district during the years 1888 and 1889 :—

	Institutions.		Percentage of increase in 1889.
	1888.	1889.	
Rae Bareli	1,896	2,307	65·2
Sultánpur	3,070	3,918	27·6
Hardoi	2,955	3,706	25·4
Gonda	3,275	3,929	19·9
Bara Banki	2,235	2,672	19·5
Partábgarh	2,547	2,981	13·1
Sitapur	720	814	13·
Unao	3,162	3,471	9·7
Fyzabad	3,952	4,187	5·9
Lucknow	1,812	1,892	4·4
Kheri	833	846	0·1
Bahraich	1,888	1,891	0·1

46. Regarding the increase in Sultánpur the Deputy Commissioner (Mr. P. J. White) writes in paras. 1 and 2 of his report—

"Two notable results are visible in this table—first, litigation has increased during the year by nearly 28 per cent., and next, the rent case work of tahsíldárs has been almost twice and a half more than in the previous year. I think both circumstances are explained by the removal of the restriction referred to in my last year's report. Formerly the tahsíldárs' courts, which are at the doors of the people, were only partially open to plaintiffs. No suit of which the subject matter exceeded Rs. 15 in value could be filed at tahsílis, and again, when the limit of thirty was reached the tahsíldár was authorized to refuse all further institutions. People therefore, if they wanted to bring their suits, had, in a large number of cases, to undergo the inconvenience of travelling all the way to the sadar, an average distance of some 30 miles. That was not all. The trouble was duplicated and reduplicated by the necessary subsequent conduct of the case. This naturally checked the institutions. The result of allowing institutions to be freely made at the tahsíls up to the legal limit of tahsíldárs' powers has been to raise the number of cases from 3,070 in 1888 to 3,918 in 1889, or by 848. The institutions at tahsílis has risen from 883 to 2,075. As there are four tahsíldárs this gives an average of about 43 cases per tahsíldár per month, which is not an excessive number, and besides tahsíldárs' cases are commonly the simplest under the Rent Act. It is, I think, judicious and right that proper facilities should be given to the people generally to file their suits under the law. A contrary course has the tendency to lead to illegal and violent practices."

The Commissioner, Rae Bareli Division (Mr. R. D. Spedding), remarks on the foregoing—

"I concur with this view of the expediency of giving tahsíldárs full power to hear these classes of rent suits."

47. The returns by divisions are as under :—

	1888.	1889.
Rae Bareli	7,013	9,206
Fyzabad	9,115	10,007
Lucknow	7,209	8,035
Sitapur	4,508	5,366

This gives an increase of—

Rae Bareli Division	31 per cent.
Sitapur "	18 "
Lucknow "	11 "
Fyzabad "	9 "

It will be seen that one district of Rae Bareli has more than twice the percentage of increase than in any other district, and that Sultánpur is second in the list, the result being that the Rae Bareli Division shows more than twice the increase in institutions of any other division.

Mr. White is, I think, justified in his opinion that the increase in his district is mainly due to the greater facilities now given to suitors. The Deputy Commissioner of Partábgarh incidentally shows that in that district also tahsíldárs have or had a certain definite number of rent suits to try, and although the Deputy Commissioner of Rae Bareli does not mention the fact, it is probable that the remarkable increase of institutions in that district is due to the cause assigned by Mr. White. So far as I am aware, the Judicial Commissioner has never been informed of the limitations of tahsíldárs' powers, and I beg to suggest that in future he be consulted in the matter, for it seems evident that in some districts the restrictions imposed have practically prevented many persons from filing suits.

Fluctuations in classes of suits.

48. The number of each class of suit instituted in the years 1888 and 1889 is shown below :—

	1888.	1889.	*Difference.*
Arrears of rent	19,549	23,400	+ 3,851
Enhancement or abatement of rent	152	82	— 70
Relating to distraint	411	297	— 114
Damages for extortion, &c.	398	467	+ 69
For pattas or kabulists	68	16	— 52
" ejectment or recovery of possession	3,594	3,622	+ 28
Recovery of money or accounts from agents ...	61	108	+ 47
All other suits not included in above	3,612	4,622	+ 1,010

49. Of the 3,851 suits for "arrears of rent" filed during 1889 in excess of the figures of 1888 no less than 2,006 were instituted in the Rae Bareli Division,—872 in Rae Bareli, 839 in Sultánpur and 295 in Partábgarh.

The Deputy Commissioners of Rae Bareli and Partábgarh do not comment on the increase in their reports.

IMPERIAL RETURN No. VIII.
Value of suits (Rent Courts).

50. There is a noticeable increase of Rs. 1,54,594 in the value of the subject matter of rent suits filed in 1889, which amounted to Rs. 10,98,114 as against Rs. 9,43,520 in 1888. The following statement shows the increase in each group of suits :—

	Rs.	1888. Rs.	1889. Rs.	Difference.
Of value not exceeding ...	10	12,218	13,906	+ 1,688
Ditto	50	11,826	14,108	+ 2,282
Ditto	100	2,249	2,856	+ 607
Ditto	500	1,300	1,492	+ 192
Ditto	1,000	145	147	+ 2
Ditto	5,000	64	59	— 5
Ditto	10,000	2	2	—
Exceeding	10,000	1	2	— 1

The average value of each suit was practically the same in each year, *viz.*, Rs. 33-14-1 in 1888 and Rs. 33-13-11 in 1889.

IMPERIAL RETURN No. IX, PART I. Disposal of suits (Rent Courts).

51. During 1889 the number of suits that came before the Rent Courts for disposal rose to 35,850 from 30,846 in 1888, being an increase of 5,004 suits. The following statement shows how they were disposed of in each year :—

	1888.	1889.	Percentage to total number of suits for disposal. 1888.	1889.
Without trial.				
Rejected	221	204	0·71	0·56
Dismissed for default ...	2,385	2,691	7·73	7·50
Withdrawn	1,212	1,299	3·92	3·62
Without contest.				
Compromised	1,323	1,483	4·28	4·13
Decreed on confession ...	3,216	4,348	10·42	12·12
Ditto *ex parte*... ...	6,150	7,670	19·93	21·39
Dismissed	581	537	1·88	1·49
By arbitration.				
For plaintiff	61	18	0·22	0·05
„ defendant	7	1		
With contest.				
For plaintiff	9,820	10,734	31·83	29·93
„ defendant	3,385	3,332	10·97	9·29
Pending	2,485	3,533	8·05	9·85

The average duration of contested and uncontested suits in each of the years 1888 and 1889 was 31 days and 21 days respectively.

The high average duration in district courts is due to exceptionally heavy suits having to be adjourned frequently in the interests of the parties.

52. The remarks of the Commissioners and Deputy Commissioners in the rent reports support my opinion, as stated in para. 3 of my report for the year 1888, that there is no room for believing that the dismissals in default or decrees *ex parte* are due to any cause other than the indifference of the parties concerned.

IMPERIAL RETURN No. X, PART 2. Miscellaneous cases (Rent Courts).

53. The number of miscellaneous cases before the Rent Courts have increased from 5,702 in 1887 and 7,196 in 1888 to 12,760 in 1889, which latter number was thus disposed of :—848 cases, or 6·6 per cent., without trial; 6,887, or 53·9 per cent., without contest; 4,272, or 33·4 per cent., with contest (3,303 in favour of plaintiff and 969 in favour of defendant), leaving 753, or 5·9 per cent., pending at the close of the year.

The average duration rose to 24 days for contested cases and 14 days for uncontested cases in 1889 from 20 days and 12 days respectively in 1888.

54. The increase during the year under report on the previous year's figures is mainly accounted for by instructions that issued from this office to include in the Imperial Return No. IX, part 2, applications under sections 15, 20, 21, 24, 25, 31, 60, 61, 80, 82 106 and 127 of the Oudh Rent Act. But from the district reports it is evident that miscellaneous applications were more numerous during 1889 than they were in 1888. In Fyzabad applications for assistance in distraint and sale increased by 302. In Bahraich applications for deposit of rent increased by 559, for division of produce by 129 and for ejectment of a tenant after notice by 92. In many districts applications under section 61 of the Oudh Rent Act for ejectment of defaulting tenants have increased, but " this section is used principally as a simple and effective mode of realizing rents. The tenant sought to be ejected usually comes into court with his money in his hands, and the zamíndár takes it with pleasure."

IMPERIAL RETURN No. X, PART 1. Appeals from decrees (Rent Courts).

55. There were 3,276 appeals from decrees before the Rent Courts in 1889 as against 2,911 in 1888. These 3,276 appeals were disposed of as follows :—One hundred and eighty-seven were rejected

or dismissed and 111 were heard *ex parte*. The hearing of 2,457 contested appeals resulted in decrees being confirmed in 1,494, modified in 215 and reversed in 428 cases, whilst 320 cases were remanded, leaving 521 appeals pending at the close of the year.

56. Commissioners disposed of 1,672 appeals in 1889, being 262 more than in 1888, and had 456 pending at the close of the year, as shown below :—

	Disposed of.	Pending.	Average duration.
Lucknow	526	62	71·23
Fyzabad	521	314	164·58
Rae Bareli	364	71	59·93
Sitapur	261	9	57·30

57. The average duration of appeals in Commissioners' courts was 95 days as against 89 days in the previous year. The Commissioner, Fyzabad Division, writes regarding the increased duration of appeals in his court—

"This increase is due partly to the few pending appeals of last year which were decided during the year and which were of a very old date, and partly to the comparatively small number of appeals decided by Mr. Harington during the first quarter of the year."

58. In the courts of Deputy Commissioners the average duration of the appeals rose from 34 days in 1888 to 83 days in 1889. This is accounted for by the very high average, 208 days, in the court of the Deputy Commissioner, Gonda, who thus explains it :—

"My high average duration occurred in appeals transferred from the Commissioner's Court after being there for several months : 257 were transferred to me in July and were disposed of by the end of the year except four."

59. During the year under report the Judicial Commissioner disposed of 225 rent appeals in the following manner :—Fifty-one were rejected or dismissed, decrees were confirmed in 138 cases, modified in four cases, reversed in 28 cases and four cases were remanded, leaving 279 appeals pending at the close of the year.

IMPERIAL RETURN No. X, PART 2. Miscellaneous appeals (Rent Courts).

60. Miscellaneous rent appeals that came before the courts of Deputy Commissioners and Commissioners in 1889 numbered 169, being fewer by 46 than in 1888. They were disposed of as follows :—Thirteen were rejected or dismissed, the orders in 81 cases were confirmed, modified in four cases and reversed in 36 cases ; 15 cases were remanded and 20 appeals remained pending. The average duration was 36 days.

61. In 1889 the Judicial Commissioner had 41 miscellaneous rent appeals before him, of which six were rejected, orders were confirmed in seven cases, modified in one case and reversed in five cases, leaving 22 appeals pending. The average duration was 154 days.

IMPERIAL RETURN No. XI. Execution of decrees (Rent Courts).

62. Applications to the Rent Courts for execution of decree numbered 15,626 in 1889 as against 15,145 in the previous year. The following statement shows how such applications were disposed of in 1888 and in 1889 :—

	1888.	1889.	Percentage to total number of applications. 1888.	1889.
Satisfaction in full	8,205	7,934	54·17	50·77
Ditto in part	1,700	1,876	11·22	12·00
Wholly infructuous	4,247	4,512	28·04	28·87
Pending	993	1,304	6·55	8 34
In which debtor imprisoned	73	50	0·48	0 31
Ditto arrested	95	71	0·62	0·45

			Percentage to total number of applications.	
	1888.	1889.	1888.	1889.
In which movable property sold	1,434	2,002	9·46	12·81
Ditto ditto attached	3,838	3,970	25·34	25·40
Ditto ditto sold	211	157	1·39	1·00
Ditto ditto dealt with under section 305, Civil Procedure Code	5	3	0·03	0·01
Ditto immovable property attached ...	216	141	1·42	0·90
Ditto possession given of movables ...	3	22	0·01	0·14
Ditto ditto immovables ...	1,145	811	7·56	5·19
Ditto contract was enforced	...	3	...	0·03
Ditto partition was effected	...	5	...	0·03
Ditto execution was otherwise effected ...	3,079	2,720	20·33	17·40
	Rs.	Rs.		
Amount realized { With issue of process ...	2,78,500	2,85,960		
Amount realized { Without "	28,978	10,598		

The percentage of decrees fully or partially satisfied calculated on the number executed was 68·49 in 1889 as against 69·49 in 1888.

PROVINCIAL RETURN No. XV. Witnesses examined (Rent Courts).

63. The Rent Courts examined 17,690 witnesses during 1889, being 1,892 more than in the previous year. Only 267 witnesses were detained two days and 10 witnesses three days.

PROVINCIAL RETURN No. XVI. Process Fee Fund (Rent Courts).

64. There was a considerable increase in receipts of process fees, which rose to Rs. 52,596 in 1889 from Rs. 47,119 in 1888. The surplus also rose from Rs. 6,529 to Rs. 10,767.

65. As in preceding years, the districts of Sitapur and Hardoi show a deficit in 1889 owing, as already stated in this office letter No. 395, dated 11th March 1890, to the long distances that have to be traversed by the process servers and the comparatively small number of processes that have to be served.

The Deputy Commissioner of Sitapur writes regarding his establishment of 12 process servers—

"It could do more work, but the work to do could not be done by a less establishment. As it is, every economy is practised, for processes issuing from the Sadar for outlying tahsíls are sent to the tahsíls by post for service."

The Deputy Commissioner of Hardoi states—

"All I have to remark here is that the process serving business could undoubtedly be worked more economically through the medium of the post office than it is through process servers, and an advantage to follow to the benefit of the public would be that the number of post-offices would have to be increased, thus extending through the country the civilising and educational advantages of greater proximity to a reliable post service."

The Deputy Commissioner of Sultánpur remarks—

"The staff of process servers is hardly sufficient. Courts frequently complain that their processes are not served with proper celerity, but I have generally found that the názir does the best with the staff at his disposal; 45 process servers for an area of over 1,700 square miles and between 9 or 10 courts is certainly not a too liberal establishment. The duration of cases would of course be improved if the processes of the courts could be executed with better speed, and the only means of doing this is to raise the number of process servers. The surplus is substantial enough for it."

66. I am doubtful whether the return No. XVI is correctly prepared. In Oudh each process server is supposed to serve 350 processes, the number in the North-Western Provinces being limited to 300, and yet we find that in Unao 517, Bahraich 532, Partábgarh 597 and Fyzabad 617 were served, the fact probably being that under rule IV, Book Circular III of 1875, Deputy Commissioners entertain extra hands,

but do not account for them in column 2 of this return. Enquiries are being made, and if this prove to be the case I will direct that column 2 be subdivided into—

(1) Number of temporary process servers or days.

(2) Number of permanent process servers.

(3) Total.

The total being divided into the number of processes, will give a correct average.

PROVINCIAL RETURN No. XVIII. Sale Commission Fund (Rent Courts).

67. Sale commission fees in Rent Courts amounted to Rs. 5,728 in 1889 and the expenditure to Rs. 599, leaving a surplus of Rs. 5,129. In 1888 the surplus was Rs. 3,751.

COURT OF THE JUDICIAL COMMISSIONER.

Revision and reference.

68. The Judicial Commissioner disposed of 105 miscellaneous applications and seven references for ruling in 1889.

Miscellaneous work.

69. Thirty-seven applications for leave to appeal to Her Majesty's Privy Council and 34 applications from pleaders for enrolment or promotion were also disposed of during the year under report.

I have the honour to be,

SIR,

Your most obedient servant,

JOHN DYSON,

Offg. Judicial Commissioner, Oudh.

APPENDICES.

IMPERIAL RETURN No. VII.—(CIVIL AND RENT).

Showing the number and description of Civil and Rent suits instituted in the Courts of the Province of Oudh during the year 1889.

| Class of tribunals. | Suits for money or movable property. | | | | | | | | | | Suits under the Rent Law. | | | | | | | | Title and other suits. | | | | | | | | | |

IMPERIAL RETURN No. VIII.—(Civil and Rent).

Showing the number and value of suits instituted in the Civil and Rent Courts in the Province of Oudh during the year 1889.

Class of Courts.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	No. of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
Civil Courts.										Rs. a. p	
Unpaid tribunals	1,199	1,558	345	22	...	...	...	...	27	74,880 4 8	
Paid subdivisional tribunals	7,576	15,059	5,724	4,580	780	618	106	...	368	45,28,268 11 11	
Small Cause Courts	8,816	13,106	1,742	1,211	...	...	...	...	...	7,35,359 11 2	
District Courts	...	...	...	1	...	3	2	121	14	31,62,475 9 9	
Total ..	17,591	29,723	7,811	5,814	780	621	108	121	409	85,00,984 5 6	
Revenue (Rent) Courts.											
Unpaid local tribunals	260	252	60	3	...	...	...	...	...	10,025 9 8	
Other subordinate Courts	13,646	13,854	2,795	1,489	147	59	...	...	14	10,31,715 1 9	
District Courts	...	2	1	...	...	...	2	2	...	56,373 4 3	
Total ...	13,906	14,108	2,856	1,492	147	59	2	2	14	10,98,113 15 8	
Grand Total ...	31,497	43,831	10,667	7,306	927	680	110	123	423	95,99,098 5 2	

IMPERIAL RETURN No. IX.—(Civil and Rent).

Statement showing the general result of the trial of Civil and Revenue (Rent) cases in the Courts of Original Jurisdiction in the Province of Oudh in the year 1889.

PART I.—Civil and Rent Suits.

Class of Courts.	Total number of suits before the Courts.	Number of cases disposed of.										Pending at close of the year.	Number of cases pending more than 3 months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other Courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	3,652	...	859	517	738	402	79	19	11	491	215	321	60	85·67	54·05	
Paid subdivisional tribunals	34,140	...	6,161	4,632	3,052	3,442	641	117	35	8,002	4,357	3,701	1,177	77·62	38·25	
Small Cause Courts	27,497	...	4,886	4,257	4,899	3,820	483	21	8	4,740	2,134	2,249	422	38·05	37·75	
District Courts (other than Chief Courts) ...	8,099	...	1,199	639	415	479	127	35	12	2,018	931	2,244	1,217	129·99	74·94	
Chief Courts of districts	236	...	18	3	3	6	...	...	...	35	38	133	97	361·98	124·20	
Total ...	73,624	...	13,123	10,048	9,107	8,149	1,330	192	66	15,286	7,675	8,648	2,973	71·96	38·60	
II.—Revenue (Rent) Courts.																
Unpaid local tribunals	617	...	100	16	75	99	9	2	...	242	26	48	...	27·75	28·09	
Paid subdivisional tribunals	14,672	...	1,596	746	2,658	4,200	125	7	1	4,296	761	282	3	17·16	25·34	
Other Subordinate Courts	20,551	...	2,496	720	1,614	3,371	403	9	...	6,192	2,544	3,202	22	34·96	30·48	
District Courts	10	...	2	1	1	...	...	...	...	4	1	1	...	111·25	116·4	
Total ...	35,850	...	4,194	1,483	4,348	7,670	537	18	1	10,734	3,332	3,533	25	31·41	21·37	
Superior Courts	1	...	...	...	...	...	...	...	...	1	...	...	...	75·	...	
Grand Total ...	109,475	...	17,317	11,531	13,455	15,819	1,867	210	67	26,021	11,007	12,181	2,998	57·76	35·27	

IMPERIAL RETURN No. IX.—(Civil and Rent).

Statement showing the general result of the trial of Civil and Revenue (Rent) cases in the courts of original jurisdiction in the Province of Oudh in the year 1889.

PART II.—Miscellaneous Cases.

Class of Courts.	Total number of suits before the courts.	Number of cases disposed of.										Pending at the close of the year.	Number of cases pending more than 3 months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	279	...	66	11	6	7	12	1	1	102	52	21	5	49·01	39·45	
Paid subdivisional tribunals	5,182	...	1,194	127	246	150	110	2	...	1,723	1,266	364	20	34·34	28·72	
Small Cause Courts	1,486	...	374	59	41	34	22	...	1	557	299	99	3	26·75	18·58	
District Courts other than Chief Courts of districts ...	2,188	...	340	73	39	92	50	...	...	893	466	235	33	38·63	29·53	
Chief Courts of districts	565	...	119	1	...	52	2	3	...	190	113	85	22	96·73	50·25	
Total ...	9,700	...	2,093	271	332	335	196	6	2	3,465	2,196	804	83	37·99	22·48	
II.—Revenue (Rent) Courts.																
Unpaid local tribunals	21	...	4	...	...	1	...	...	...	8	6	2	1	18·35	42·	
Paid subdivisional tribunals	7,961	...	455	802	53	4,528	42	...	...	1,241	237	618	1	27·55	12·31	
Other Subordinate Courts	3,492	...	346	30	38	1,026	30	...	...	1,444	464	114	...	21·75	16·21	
Districts Courts	1,266	...	43	6	36	277	13	...	...	610	262	19	...	25·03	32·25	
Total ...	12,760	...	848	838	132	5,832	85	...	...	3,303	969	753	2	24·41	13·99	
Grand Total ...	22,460	...	2,941	1,109	464	6,167	281	6	2	6,768	3,165	1,557	85	32·15	18·25	

IMPERIAL RETURN No. X.—(Civil and Rent).

Statement showing the business of the Civil and Revenue (Rent) Appellate Courts of the Province of Oudh in the year 1889.

PART I.—Appeals from Decrees.

Class of Courts.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard *ex parte*.				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV, 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Courts in the interior. Appeals from original decrees.																	
A.—Civil Courts.																	
Chief Appellate Courts other than chief courts of districts.	1,992	...	2	78	86	4	6	9	1,023	98	290	203	193	66	64·66	10	
Chief Appellate Courts of districts	2,831	...	111	84	...	1	2	...	1,190	230	329	156	728	356	139·03	59	
Superior Appellate Courts other than chief courts of provinces.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	4,823	...	113	162	86	5	8	9	2,213	328	619	359	921	422	105·28	69	
B.—Revenue (Rent) Courts.																	
Collectors' Appellate Courts	1,148	...	8	43	20	3	3	...	638	115	180	73	65	15	83·39	3	
Commissioners' Courts	2,128	...	13	123	55	8	14	8	856	100	248	247	456	151	95·07	67	
Total	3,276	...	21	166	75	11	17	8	1,494	215	428	320	521	166	90·84	70	
Courts of the Presidency or seat of Government.																	
Chief Court of Province. — Appeals from original decrees. — Civil ...	156	...	1	6	...	...	...	1	29	4	15	...	100	81	423·82	2	
Chief Court of Province. — Appeals from original decrees. — Rent ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Province. — Appeals from appellate decrees. — Civil ...	772	...	14	6	15	1	9	...	122	18	36	4	547	456	374·00	10	
Chief Court of Province. — Appeals from appellate decrees. — Rent ...	504	...	46	5	26	...	4	...	112	4	24	4	279	180	211·93	2	
Total	1,432	...	61	17	41	1	13	1	263	26	75	8	926	717	309·42	14	
Grand Total	9,531	...	195	345	202	17	38	18	3,970	569	1,122	687	2,368	1,305	114·03	153	

IMPERIAL RETURN No. X.—(Civil and Rent).

Statement showing the business of the Civil and Revenue (Rent) appellate Courts of the Province of Oudh in the year 1889.

PART II.—Miscellaneous.

Class of Court.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard *ex parte*.				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV, of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Courts in the interior. Appeals from original decrees.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts.	121	...	...	7	7	...	1	2	63	...	21	16	4	...	55·70	...	
Chief Appellate Courts of districts and superior Appellate Courts other than Chief Courts of Province.	419	...	95	28	...	...	10	...	130	13	61	29	53	22	65·90	...	
Total ...	540	...	95	35	7	...	11	2	193	13	82	45	57	22	63·43	...	
B.—Revenue (Rent) Courts.																	
Collectors' Appellate Courts	97	...	4	2	2	1	...	1	51	1	21	8	6	...	27·68	...	
Commissioners' Appellate Courts	72	...	2	5	...	...	9	2	28	2	6	4	14	8	50·03	...	
Total ...	169	...	6	7	2	1	9	3	79	3	27	12	20	8	38·38	...	
Courts of the Presidency or seat of Government.																	
Chief Court of Province. Appeals from original decrees. Civil ...	68	...	5	...	4	...	...	...	16	...	5	2	36	29	220·75	...	
Chief Court of Province. Appeals from original decrees. Rent ...	5	...	...	...	...	...	...	...	1	...	2	...	2	2	274·33	...	
Chief Court of Province. Appeals from appellate decrees. Civil ...	89	...	8	1	3	...	...	...	23	1	6	1	46	35	203·95	...	
Chief Court of Province. Appeals from appellate decrees. Rent ...	36	...	6	...	2	1	...	...	4	...	3	...	20	17	132·12	...	
Applications for revision under section 622, Act XIV of 1882.	310	...	116	1	1	...	12	...	56	2	9	6	107	80	100·20	...	
Total ...	508	...	135	2	10	1	12	...	100	3	25	9	211	163	131·69	...	
Grand Total ...	1,217	...	236	44	19	2	32	5	372	19	134	66	288	193	89·80	...	

IMPERIAL RETURN No. XI.—(Civil and Rent).

Statement showing the result of proceedings on application for the execution of the decrees of the Civil and Revenue (Rent) Courts in the Province of Oudh during the year 1889.

Class of Courts.	Total number of applications for the execution of decrees before the court.	Applications disposed of.				Pending at the end of the year.	Number of applications pending more than 3 months at the close of the year.	Amount realized.		Number of applications—												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested, but released without imprisonment.	On which movable property— Was sold.	On which movable property— Was attached, but subsequently released.	On which immovable property— Was sold.	On which immovable property— Was dealt with under section 305, 323 or 326, Act XIV of 1882.	On which immovable property— Was attached, but subsequently released under section 275.	On which possession was given— Of movables.	On which possession was given— Of immovables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
								Rs. a. p.	Rs. a. p.													
Courts in the interior.																						
I.—Civil Courts.																						
Unpaid tribunals ...	1,115	...	396	177	415	127	33	9,095 6 0	1,115 3 3	...	1	156	311	11	...	7	1	10	9	2	28	
Paid subdivisional tribunals,	21,187	...	7,165	2,809	8,108	3,105	951	2,60,454 1 4	13,480 7 3	24	35	1,804	3,743	372	10	520	21	1,885	20	8	2,738	
Small Cause Courts ...	13,334	...	3,568	2,746	5,989	1,031	95	1,15,315 12 9	18,280 7 7	42	81	968	2,276	88	...	...	...	...	1	..	3,641	
District Courts ...	6,776	...	2,039	997	2,253	1,487	542	3,54,071 12 11	45,028 0 0	4	8	577	1,114	204	6	311	4	748	41	6	726	
Chief Courts of districts ...	398	...	105	31	130	132	84	1,82,413 14 7	9,583 5 0	...	...	15	20	5	...	6	2	24	...	...	69	
Total ...	42,810	...	13,273	6,760	16,895	5,882	1,705	9,21,350 15 7	87,487 11 1	70	125	3,520	7,464	680	16	844	28	2,667	71	16	7,201	
II.—Revenue Rent Courts.																						
Unpaid local tribunals ...	184	...	104	16	50	14	...	3,243 9 4	168 0 0	1	...	17	63	1	...	1	...	...	...	...	34	
Other sub-courts ...	6,572	...	3,540	854	1,825	353	27	69,699 2 0	2,112 5 0	14	52	830	2,181	49	2	69	1	..		...	1,227	
District Courts	8,835	...	4,286	1,000	2,632	937	209	2,10,457 4 7	8,317 14 4	35	19	1,151	1,723	107	1	70	21	811	3	5	1,458	
Chief Courts of districts ...	15	...	4	6	5	...	...	2,560 2 0	...	..	...	4	3	...	...	1	...		..	..	1	
Total ...	15,626	...	7,934	1,876	4,512	1,304	236	2,85,960 1 11	10,598 3 4	50	71	2,002	3,970	157	3	141	22	811	3	5	2,720	
Grand Total ...	58,436	...	21,207	8,636	21,407	7,186	1,941	12,07,311 1 6	98,085 14 5	120	196	5,522	11,434	837	19	985	50	3,478	74	21	9,921	

IMPERIAL RETURN No. XII.—(Civil).

Proceedings in Insolvency under Chapter XX, Act XIV of 1882, *in the districts of the Province of Oudh during the year* 1889, *showing the number and result of applications under section* 344, *and the number of Insolvents before the Courts.*

Class of Courts.	Applications for declaration of insolvency.								Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Amount of creditors' claims dealt with during the year.		Gross amount of insolvents' assets realized and disbursed.		Remarks.
	Total number of applications.	Transferred to another province, withdrawn, &c.	Granted.		Rejected.			Pending at the close of the year.			*Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 350 not being taken.	Sentence of imprisonment being passed under section 350.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Chief Courts of districts ...	41	1	5	4	14	...	...	17	4	...	5,862 7 6	...	...	...	

A.—Showing original suits instituted, disposed of and pending in Civil Courts in the Province of Oudh in 1889, *as compared with the figures in* 1888.

District.	Courts.	Instituted.		Disposed of.		Pending.		Remarks.
		1888.	1889.	1888.	1889.	1888.	1889.	
1	2	3	4	5	6	7	8	9
Lucknow ...	Regular ...	1,843	1,967	1,762	1,553	531	1,030	The entries in column 4 show fresh institutions only and do not include cases received by transfer or on remand, review or revival during the year.
	Small Cause Court ...	1,225	1,097	1,182	1,227	191	78	
Unao ...	Regular ...	4,477	4,921	4,595	4,719	291	632	
	Small Cause Court ...	770	554	862	551	33	41	
Bara Banki,	Regular ...	2,296	1,673	2,130	1,960	348	138	
	Small Cause Court ...	789	1,533	881	1,502	13	49	
Sitapur ...	Regular ...	5,090	4,756	5,489	4,994	363	304	
	Small Cause Court ...	82	119	88	113	5	13	
Hardoi ...	Regular ...	2,555	3,340	2,781	3,169	244	512	
	Small Cause Court ...	1,806	2,014	1,926	2,052	30	...	
Kheri ...	Regular ...	2,146	2,075	2,698	2,121	268	263	
	Small Cause Court ...	1,037	1,148	893	1,188	163	146	
Fyzabad ...	Regular ...	4,133	3,177	3,911	3,302	960	925	
	Small Cause Court ...	1,480	2,223	1,442	2,139	149	266	
Bahraich ...	Regular ...	3,916	2,384	3,650	2,589	348	729	
	Small Cause Court ...	2,300	3,653	2,660	3,770	109	482	
Gonda ...	Regular ...	4,935	4,808	5,887	6,087	1,254	683	
	Small Cause Court ...	2,209	2,127	1,449	2,499	802	190	
Rae Bareli ...	Regular ...	3,589	4,090	3,649	4,056	549	679	
	Small Cause Court ...	...	...	...	...	...	...	
Sultánpur ...	Regular ...	2,483	2,272	2,891	2,357	151	92	
	Small Cause Court ...	1,771	2,174	1,866	2,163	30	51	
Partábgarh,	Regular ...	2,055	2,640	2,655	2,821	507	403	
	Small Cause Court ...	2,806	2,117	2,481	1,870	423	674	
	Total	55,793	56,862	57,667	58,707	8,094	8,389	

B.—Showing the work done by District Judges in 1889 *in the Province of Oudh.*

District.	Original suits.	Miscellaneous.		Appeals.		Sessions trials.	Criminal appeals.	Criminal applications for revision.	Remarks.
		Application for execution of decrees.	Judicial.	Regular.	Miscellaneous.				
Lucknow	32	158	150	372	88	25*	*155	...	* Decided by District Judge in the capacity of Additional Sessions Judge.
Sitapur	12	30	109	563	119	...	...	...	
Fyzabad	38	59	144	595	114	...	...	...	
Rae Bareli	21	21	77	573	45	...	...	...	
Total ...	103	268	480	2,103	366	...	...	...	

C.—Showing the work done by Subordinate Judges in 1889 *in the districts of the Province of Oudh.*

District.	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
		Withdrawn, &c.	Decided *ex parte*.	Contested.	Total.	Application for execution of decree.	Judicial.	Regular.	Miscellaneous.
Lucknow ...	Regular	47	22	65	134	365	160	125	...
	Small Cause Court	...	...	...	...	...	...	...	...
Unao	Regular	154	27	212	393	328	102	221	2
	Small Cause Court	277	68	152	497	166	...	...	...
Bara Banki ...	Regular	77	16	190	283	417	224	153	1
	Small Cause Court	319	90	145	554	378	...	...	...
Sitapur ...	Regular	350	82	261	693	446	205	...	...
	Small Cause Court	53	79	31	113	89	16	...	...
Hardoi ...	Regular	363	81	245	689	676	228	...	...
	Small Cause Court	1,167	182	281	1,630	810	139	...	...
Kheri ...	Regular	83	6	77	166	439	134	...	...
	Small Cause Court	795	140	248	1,183	354	69	...	...
Fyzabad ...	Regular	217	44	470	731	550	177	366	25
	Small Cause Court	694	234	627	1,555	736	124	...	...
Bahraich ...	Regular	644	101	240	985	445	125	80	2
	Small Cause Court	1,280	314	326	1,920	710	136	...	...
Gonda ...	Regular	57	22	267	346	253	123	683	83
	Small Cause Court	112	29	79	220	93	19	...	...
Rae Bareli ...	Regular	213	50	439	702	470	195	61	2
	Small Cause Court	...	..	...	...	...	...	...	...
Sultánpur ...	Regular	141	13	277	431	437	118	55	...
	Small Cause Court	419	112	423	954	555	31	...	...
Partábgarh ...	Regular	101	15	206	322	596	162	55	2
	Small Cause Court	1,313	279	278	1,870	890	156	...	...
	Total ...	8,876	1,956	5,539	16,371	10,198	2,643	1,799	117

D.— Showing the work done by Munsifs in 1889 *in the districts of the Province of Oudh.*

District.	Munsifs.	Jurisdiction.	Suits. Withdrawn, compromised, confessed, &c.	Suits. Decided *ex parte*.	Suits. Contested.	Suits. Total.	Miscellaneous. Application for execution of decrees.	Miscellaneous. Judicial.
Lucknow ...	Munsifs North ...	Regular ...	277	41	197	510	490	142
		Small Cause Court ...	619	111	136	866	357	62
	Munsifs	Regular ...	340	96	409	845	1,010	23
		Small Cause Court ...	215	54	92	361	211	491
	Total ...	...	1,457	302	823	2,582	2,068	718
Unao ...	Unao	Regular ...	972	133	467	1,572	752	261
		Small Cause Court ...	...	..	...	...	...	...
	Purwa	Regular ...	698	151	448	1,297	602	147
		Small Cause Court ..	38	8	8	54	...	...
	Safipur	Regular ...	574	64	671	1,309	878	187
		Small Cause Court ...	...	...	...	...	...	...
	Total ...	...	2,282	356	1,594	4,232	2,232	595
Bara Banki ...	Ramsanchighát ...	Regular ...	603	133	413	1,149	253	103
		Small Cause Court ...	226	27	88	341	23	4
	Fatehpur	Regular ...	199	29	293	521	909	210
		Small Cause Court ...	343	47	217	607	71	21
	Total ...	...	1,371	236	1,011	2,618	1,256	348
Sitapur ...	Sitapur	Regular ..	1,008	298	646	1,952	914	231
	Biswan	Ditto	1,066	301	712	2,079	895	299
	Total ...	...	2,074	599	1,358	4,031	1,809	530
Hardoi ...	Shahabad	Regular ...	389	91	351	831	674	195
		Small Cause Court ...	203	66	93	422	105	5
	Bilgram	Regular ...	507	152	427	1,146	700	204
	Total ...	...	1,219	309	871	2,399	1,479	404
Kheri ...	Mulamdi	Regular ...	613	72	359	1,044	576	169
Fyzabad ...	Fyzabad	Ditto ...	641	53	603	1,297	877	146
		Small Cause Court ...	376	39	169	584	35	16
	Akbarpur ...	Regular ...	551	156	520	1,236	637	161
		Small Cause Court ...	...	...	...	...	...	...
	Total ...	...	1,568	248	1,301	3,117	1,549	323
Gonda ...	Gonda	Regular ...	695	177	514	1,386	1,110	354
		Small Cause Court ...	579	178	486	1,243	103	54
	Additional do. ...	Regular ...	449	78	455	982	586	140
		Small Cause Couse ...	630	139	267	1,036	230	71
	Utraula	Regular ...	875	258	603	1,736	678	214
	Tarabganj	Ditto	632	199	806	1,637	780	173
	Total ...	...	3,860	1,029	3,131	8,020	3,406	1,006
Bahraich ...	Kaisarganj ...	Regular ...	209	68	222	499	766	172
		Small Cause Court ...	1,223	208	419	1,850	464	130
	Total ...	...	1,432	276	641	2,349	1,230	302
Rae Bareli ...	Rae Bareli ...	Regular ...	670	175	592	1,437	629	197
	Dalmau	Ditto	841	230	500	1,631	844	190
	Total ...	...	1,511	405	1,152	3,068	1,473	387
Sultanpur ...	Sultánpur	Regular ...	238	34	710	982	908	212
		Small Cause Court ...	406	126	451	983	368	51
	Musáfirkhana ...	Regular ...	419	69	456	944	646	98
		Small Cause Court ...	135	25	66	226	8	...
	Total ...	...	1,198	254	1,683	3,135	1,920	361
Partábgarh ...	Partábgarh ...	Regular ...	708	261	635	1,604	895	180
		Small Cause Court ...	...	...	...	...	...	...
	Kunda	Regular ...	398	123	292	813	561	118
	Total ...	...	1,106	384	927	2,417	1,456	298
	GRAND TOTAL ...	...	19,078	4,398	14,492	37,968	20,554	5,441

E.—Showing the work done by Courts of Small Causes in 1889 *in the districts of the Province of Oudh.*

District.	Courts.	Jurisdiction.	Suits. Withdrawn, compromised, confessed, &c.	Suits. Decided *ex parte*.	Suits. Contested.	Suits. Total.	Miscellaneous. Application for execution of decrees.	Miscellaneous. Judicial.	Appeals. Regular.	Appeals. Miscellaneous.
Lucknow City Small Cause Court.	City Small Cause Court,	S. C.	2,857	1,241	1,656	5,754	5,989	256	...	...
Lucknow ...	Lucknow Cantonment,	S. C. & C. M.	169	64	86	319	32	...	...	...
Fyzabad ...	Fyzabad ditto ...	S. C. & C. M.	36	10	50	106	193	4	...	...
	Total ...	...	3,072	1,315	1,702	6,179	6,214	260	...	...

G.—Statement showing the court fees (other than process fees) realized in the Civil Courts in the Province of Oudh during the year 1889.

District.	*Ad valorem* fees— On plaints, memoranda of appeal and applications for review of judgment.	*Ad valorem* fees— On copies and translations.	*Ad valorem* fees— On certificates, probates and letters of administration.	Fixed fees— On plaints and memoranda of appeal.	Fixed fees— On other documents.	Gross fees realized.	Refunds under sections 10, 13, 14 and 15, Act VII of 1870, and under Notification No. 2768, dated 30th April 1876, and under Rule 58 or Circular Order No 12 of 1882.	Net fees realized.	Remarks.
1	2	3	4	5	6	7	8	9	10
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	82,593 6 0	2,090 2 0	11,449 0 0	4,820 1 0	4,090 0 0	1,05,042 9 0	276 2 0	1,04,766 7 0	
Unao	30,975 4 0	1,088 3 0	387 0 0	375 0 0	4,205 6 0	37,030 13 0	205 6 0	36,825 7 0	
Bara Banki	24,319 5 0	1,689 15 0	113 0 0	585 0 0	1,683 3 0	28,390 7 0	85 15 0	28,304 8 0	
Sitapur	38,989 5 0	1,452 0 0	665 0 0	520 0 0	3,247 15 0	44,874 4 0	886 4 0	43,988 0 0	
Hardoi	37,754 0 0	957 6 0	...	180 0 0	4,780 1 0	43,671 7 0	...	43,671 7 0	
Kheri	12,425 6 0	127 8 0	252 0 0	100 0 0	2,266 12 0	15,171 10 0	...	15,171 10 0	
Fyzabad	67,723 4 0	4,637 9 0	3,731 1 0	1,352 0 0	3,630 11 0	81,074 9 0	1,080 12 0	79,993 13 0	
Bahraich	21,380 3 0	343 8 0	32 0 0	165 0 0	1,198 1 0	23,118 12 0	12 0 0	23,106 12 0	
Gonda	34,048 12 0	1,326 11 0	42 0 0	655 0 0	3,527 9 0	39,600 0 0	497 0 0	39,103 0 0	
Rae Bareli	27,150 5 0	2,527 11 0	421 0 0	546 8 0	7,503 13 0	38,149 5 0	402 6 0	37,746 15 0	
Sultánpur	18,145 9 0	631 12 0	120 0 0	411 0 0	3,092 1 0	22,400 6 0	62 14 0	22,337 8 0	
Partábgarh	21,538 8 0	789 1 0	32 5 0	155 0 0	2,814 0 0	25,328 14 0	43 8 0	25,285 6 0	
Total ...	4,17,043 3 0	17,661 6 0	17,244 6 0	9,864 9 0	42,039 8 0	5,03,853 0 0	3,552 3 0	5,00,300 13 0	
High Court of the Province of Oudh.	27,898 15 0	9 0 0	...	5,700 2 0	...	33,608 1 0	...	33,608 1 0	
GRAND TOTAL ...	4,44,942 2 0	17,670 6 0	17,244 6 0	15,564 11 0	42,039 8 0	5,37,461 1 0	3,552 3 0	5,33,908 14 0	

H.—Showing the Income and Expenditure of the Civil Courts in the Province of Oudh during the year 1889.

Districts.	Income.							Expenditure.							
	Net value of stamps exclusive of those used to denote process fees.	Duty and penalties on instruments not duly stamped.	Fines.	Process fees.		Judicial Record Fund.	Sale proceeds of unclaimed property of intestates (Regulation 5 of 1790).	Total.	Salaries of officers presiding over Civil Courts and of their establishments, the full salaries of the Judges and establishment of High Court, and half salaries of District and Sessions Judges and their subordinates who are employed on Criminal as well as the Civil side being entered.	Process serving establishment.		Amin establishment.	Judicial Record Fund.	Total.	Surplus.	Deficit.
				Fees for employment of amins.	Other fees.					(a) Central nâzir, nâzirs, bailiffs and nazârat office chaprâsis.	(b) Process serving peons.					
1	2	3	4	5	6	7	8	9	10	11		12	13	14	15	16
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lucknow ...	1,04,766 5 0	126 2 0	26 0 0	...	14,027 4 0	5,468 2 0	...	1,24,413 13 0	68,545 13 9	3,190 1 9	7,735 5 6	...	3,078 15 10	82,550 4 10	41,863 8 2	...
Unao ...	36,825 7 0	249 6 0	58 4 0	...	10,065 2 0	3,545 0 9	...	50,743 3 9	21,460 9 1	1,138 13 11	4,603 6 8	...	1,525 6 5	28,726 4 1	22,014 15 8	...
Bara Banki ...	28,304 8 0	507 8 0	29 0 0	...	6,678 11 0	3,643 0 0	...	39,162 11 0	15,984 2 1	897 15 11	3,089 11 0	...	1,359 8 3	21,331 5 3	17,831 5 9	...
Sitapur ...	43,988 0 0	26 14 0	15 0 0	...	7,417 8 0	3,462 2 3	...	54,909 8 3	35,721 0 3	991 10 0	3,401 8 2	...	1,586 0 0	41,700 2 6	13,209 5 9	...
Hardoi ...	43,671 7 0	82 15 0	139 9 9	...	8,539 2 2	3,582 13 0	...	56,015 14 9	18,949 4 4	1,004 15 9	4,025 11 8	...	1,885 2 10	25,865 2 7	30,150 12 2	...
Kheri ...	15,171 10 0	69 12 0	13 0 0	...	4,544 12 0	1,189 8 0	...	20,988 10 0	14,470 4 0	913 7 8	2,257 3 10	...	615 3 0	18,256 2 6	2,732 7 6	...
Fyzabad ...	79,993 13 0	302 2 0	45 14 0	...	9,275 0 0	6,349 10 0	...	95,966 7 0	36,012 12 10	1,080 0 0	4,494 12 0	..	2,439 13 10	44,027 6 8	51,939 0 4	...
Bahraich ...	23,106 12 0	163 2 0	20 0 0	...	7,552 7 6	1,497 0 0	...	32,339 5 6	12,887 5 7	780 0 0	3,521 5 3	..	819 4 9	18,007 15 7	14,331 5 11	...
Gonda ...	39,103 0 0	150 14 0	95 14 0	...	12,118 12 0	3,623 1 3	...	55,091 9 3	22,716 5 0	1,134 14 11	5,001 2 9	...	1,403 15 10	30,256 6 6	24,835 2 9	...
Rae Bareli ...	37,746 15 0	213 8 0	78 14 0	...	7,807 2 0	4,553 3 0	...	50,399 10 0	27,373 12 4	1,071 10 9	3,690 9 3	..	2,340 2 1	34,476 2 5	15,923 7 7	...
Sultánpur ...	22,337 8 0	568 4 0	11 8 0	..	6,972 14 0	1,967 10 0	...	31,857 12 0	20,475 7 9	900 0 0	3,732 12 1	...	1,015 7 6	26,123 11 4	5,734 0 8	...
Partábgarh ...	25,285 6 0	218 0 0	35 14 0	..	7,532 11 0	1,437 4 0	...	34,509 3 0	17,276 3 5	887 0 1	3,280 6 2	...	756 14 5	22,200 8 1	12,308 10 11	...
Total ...	5,00,300 11 0	2,678 7 0	568 13 9	..	1,02,531 5 6	40,318 6 3	...	6,46,397 11 6	3,11,873 0 5	13,990 10 9	48,833 14 5	...	18,825 14 9	3,93,523 8 4	2,52,874 3 2	...
High Court of Province of Oudh.	33,608 1 0	...	...	..	2,369 4 0	1,750 14 0	...	37,728 3 0	76,780 9 5	240 0 0	...	..	1,575 10 9	78,596 4 2	...	40,868 1 2
GRAND TOTAL,	5,33,908 12 0	2,678 7 0	568 13 9	..	1,04,900 9 6	42,069 4 3	...	6,84,125 14 6	3,88,653 9 10	14,230 10 9	48,833 14 5	..	20,401 9 6	4,72,119 12 6	2,52,874 3 2	40,868 1 2

PROVINCIAL RETURN No. XV.—(Civil and Rent).

Showing the detention of witnesses before Civil and Rent Courts in suits, miscellaneous cases and in cases of execution of decree in the Courts of the Districts of the Province of Oudh for the year 1889.

Courts.	Discharged after being in attendance.											
	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 days.	16 to 23 days.	Total.	Remarks.
Civil Courts.												
Lucknow	15,264	563	142	65	9	...	...	...	...	...	16,043	
Sitapur	9,451	113	21	3	3	...	...	...	...	...	9,591	
Fyzabad	16,074	215	22	7	...	...	...	...	...	...	16,318	
Rae Bareli	14,654	170	37	28	4	...	10	1	...	...	14,904	
Total ...	55,043	1,061	222	103	16	...	10	1	...	...	57,456	
Small Cause Courts.												
Lucknow City Small Cause Court.	2,838	61	6	...	...	...	...	...	...	...	2,905	
Lucknow Cantonment Small Cause Court.	169	...	...	...	...	...	...	...	...	...	169	
Fyzabad Cantonment Small Cause Court.	46	...	...	...	...	...	...	...	...	...	46	
Total ...	3,053	61	6	...	...	...	...	...	...	...	3,120	
Rent Courts.												
Lucknow	1,189	13	...	...	...	...	...	...	...	...	1,202	
Unao	2,231	2	...	...	...	...	...	...	...	...	2,233	
Bara Banki	1,308	24	2	...	...	...	...	...	...	...	1,334	
Sitapur	490	1	...	...	...	...	...	...	...	...	491	
Hardoi	2,024	86	7	...	...	...	...	...	...	...	2,117	
Kheri	689	37	...	...	...	...	...	...	...	...	726	
Fyzabad	2,042	8	...	...	...	...	...	...	...	...	2,050	
Bahraich	1,258	1	...	...	...	...	...	...	...	...	1,259	
Gonda	1,758	11	...	...	...	...	...	...	...	...	1,769	
Rae Bareli	1,220	21	...	...	...	...	...	...	...	...	1,241	
Sultánpur	2,193	49	...	...	...	...	...	...	...	...	2,242	
Partábgarh	1,011	14	1	...	...	...	...	...	...	...	1,026	
Total ...	17,413	267	10	...	...	...	...	...	...	...	17,690	

PROVINCIAL RETURN No. XVI.—(CIVIL AND RENT).

Showing the Receipts and Disbursements on account of processes in the Courts of the Province of Oudh during the year 1889.

District.	Average number of servers employed.	Aggregate number of processes served.	Average number per server.	Receipts.			Disbursements.						Remarks.
				Value of fees received within the year.	Remittances from other provinces.	Total.	Pay of supervising establishment including nazárat and bailiff.	Pay of peons.	Pension fund 12 per cent.	Contingencies and refunds.	Total.	Surplus or deficit.	
Civil.				Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
District Judge, Lucknow	163	72,871	447	24,625 15 0	...	24,625 15 0	3,822 15 7	11,492 0 2	1,887 12 8	373 0 6	17,525 12 11	7,100 2 1	
Ditto, Sitapur	124	64,748	522	20,473 10 0	27 12 0	20,501 6 0	2,910 1 5	9,684 7 9	1,162 1 8	252 9 6	14,009 4 4	+ 6,492 1 8	
Ditto, Fyzabad	177	92,651	523	28,863 15 0	...	28,863 15 0	2,934 14 11	12,726 2 7	1,886 8 6	326 9 6	17,934 3 6	+10,896 14 4	
Ditto, Rae Bareli	150	69,045	523	22,312 11 0	...	22,312 11 0	2,858 10 10	10,703 11 6	1,612 10 5	321 15 2	15,496 15 11	+ 6,815 11 1	
Total ...	614	2,99,315	487	96,276 3 0	27 12 0	96,303 15 0	12,586 10 9	44,606 6 0	6,499 1 3	1,274 2 8	64,966 4 8	+31,337 10 4	
Small Cause Court, City Lucknow ...	55	22,331	406	5,281 8 0	6 10 0	5,288 2 0	1,260 0 0	3,816 7 0	609 2 7	69 4 0	5,754 13 7	+ 133 4 5	
Ditto, Cantonment Lucknow ..	2	999	499	257 0 0	...	257 0 0	144 0 0	120 0 0	31 10 8	...	295 10 8	− 38 10 8	
Ditto, ditto Fyzabad ...	1	329	329	50 12 0	...	50 12 0	...	72 0 0	8 10 2	3 15 0	84 9 2	− 33 13 2	
Total ...	58	23,659	407	6,189 4 0	6 10 0	6,195 14 0	1,404 0 0	4,008 7 0	649 7 5	73 3 0	6,135 1 5	+ 60 12 7	
Rent.													
Deputy Commissioner, Lucknow ...	24	9,599	399	5,759 11 0	...	5,759 11 0	1,685 5 6	1,724 8 8	409 3 0	167 8 0	3,986 9 2	+ 1,773 1 10	
Ditto, Unao ...	32	16,875	527	4,771 14 0	...	4,771 14 0	1,413 6 5	2,259 6 11	440 10 0	4 14 0	4,118 5 4	+ 653 8 8	
Ditto, Bara Banki ...	24	12,008	500	3,852 3 0	...	3,852 3 0	1,176 0 0	1,674 6 7	342 0 6	11 8 0	3,203 15 1	+ 648 2 11	
Ditto, Sitapur ...	12	3,558	296	2,096 1 0	...	2,096 1 0	1,356 0 0	862 8 3	266 3 6	19 13 0	2,504 8 9	− 408 7 9	
Ditto, Hardoi ...	29	14,424	497	3,834 4 0	...	3,834 4 0	1,416 0 0	1,968 1 5	406 1 5	64 14 9	3,855 1 7	− 20 13 7	
Ditto, Kheri ...	11	4,314	367	2,005 0 0	...	2,005 0 0	480 0 0	841 15 6	158 10 2	...	1,480 9 8	+ 524 6 4	
Ditto, Fyzabad ...	51	31,515	617	7,604 1 0	...	7,604 1 0	1,596 0 0	3,627 13 8	626 13 10	11 7 0	5,862 2 6	+ 1,741 14 6	
Ditto, Bahraich ...	17	9,041	532	3,063 13 0	...	3,063 13 0	1,032 0 0	1,204 11 10	268 6 6	48 13 3	2,553 15 7	+ 509 13 5	
Ditto, Gonda ...	47	22,992	489	5,938 4 0	...	5,938 4 0	852 0 0	3,317 10 9	500 5 4	...	4,670 0 1	+ 1,268 3 11	
Ditto, Rae Bareli ...	21	10,504	500	3,936 1 0	...	3,936 1 0	876 0 0	1,487 6 11	283 9 8	20 0 0	2,667 0 7	+ 1,269 0 5	
Ditto, Sultánpur ...	45	20,880	464	5,656 8 0	...	5,656 8 0	576 0 0	3,207 12 8	454 0 10	...	4,237 13 6	− 1,418 10 6	
Ditto, Pártábgarh ...	29	17,328	597	4,438 1 0	0 8 0	4,438 9 0	552 0 0	2,118 9 2	320 7 5	57 15 6	3,049 0 1	+ 1,389 8 11	
Total ...	342	1,73,038	505	52,955 13 0	0 8 0	52,956 5 0	13,010 11 11	24,295 0 4	4,476 8 2	406 13 6	42,189 1 11	10,767 3 1	

PROVINCIAL RETURN No. XVIII.—(Civil and Rent).

Statement showing receipts and disbursements on account of Sale Commission Fund in the districts of the Province of Oudh during the year 1889.

	Receipts.	Disbursements.			Balance.	Payable to máziras, &c., under para. 15, Circular No. 24 of 1872.	Remarks.
	Value of fees received within the year.	Pay of peons.	Contingencies.	Total.			
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Civil.							
Lucknow	3,092 6 1	491 7 6	66 4 0	557 11 6	2,534 10 7	633 10 6	
Sitapur	2,159 10 2	357 13 3	19 10 0	377 7 3	1,782 2 11	445 8 6	
Fyzabad	3,067 11 10	579 13 8	0 12 6	580 10 2	2,487 1 8	621 12 4	
Rae Bareli	1,821 13 4	579 5 10	...	579 5 10	1,242 7 6	310 9 10	
Total ...	10,141 9 5	2,008 8 3	86 10 6	2,095 2 9	8,046 6 8	2,011 9 2	
Small Cause Courts.							
Lucknow City Small Cause Court	231 2 0	144 0 0	...	144 0 0	87 2 0	21 12 6	
Ditto Cantonment Small Cause Court	3 10 6	...	...	...	3 10 6	0 14 7	
Fyzabad Small Cause Court	7 12 0	...	...	...	7 12 0	1 15 0	
		...					
Total ...	242 8 6	144 0 0	...	144 0 0	98 8 6	24 10 1	
Rent.							
Lucknow	325 10 0	...	...	...	325 10 0	81 6 6	
Unao	298 12 4	...	...	...	298 12 4	74 11 1	
Bara Banki	106 15 5	...	...	...	106 15 5	26 12 0	
Sitapur	91 3 7	72 0 0	...	72 0 0	19 3 7	4 12 10	
Hardoi	526 10 6	...	...	...	526 10 6	131 10 7	
Kheri	1,355 12 3	...	...	...	1,355 12 3	338 15 0	
Fyzabad	800 13 0	288 0 0	...	288 0 0	512 13 0	128 3 3	
Bahraich	423 0 4	...	...	...	423 0 4	105 12 1	
Gonda	497 3 2	...	...	...	497 3 2	124 4 9	
Rae Bareli	389 9 6	...	...	...	389 9 6	97 6 4	
Sultánpur	536 8 3	167 9 3	...	167 9 3	368 15 0	92 3 9	
Partábgarh	376 8 9	72 0 0	...	72 0 0	304 8 9	76 2 2	
Total ...	5,728 11 1	599 9 3	...	599 9 3	5,129 1 10	1,282 4 4	

ORDERS OF GOVERNMENT.

BENGAL SECRETARIAT LIBRARY.

No. $\frac{960\frac{1}{2}}{\text{VII—332B}}$ OF 1890.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

To

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 27TH NOVEMBER 1890.

SIR,

JUDICIAL DEPT. (CIVIL).

I AM directed to acknowledge the receipt of your No. 1327, dated 4th September 1890 (which however did not leave the Press for the Secretariat till the 30th October 1890), submitting your report, together with the prescribed returns, regarding the Administration of Civil Justice in Oudh for the calendar year 1889. It is matter for regret, that although you were requested in last year's Review to endeavour to submit the report with greater punctuality, you have not been able to forward it sooner. You will be separately addressed regarding certain statistical inaccuracies which appear in the returns.

I.—Civil Courts -Institutions.

2. The following are the figures regarding the institution of suits for the last three years :—

			1887.	1888.	1889.
Suits for money or movable property.	Contract ...	Small Cause Court,	9,938	13,091	14,737
		Ordinary ...	21,640	19,477	19,129
		Total ...	31,578	32,568	33,866
	Others ...	Small Cause Court,	10,133	10,267	10,138
		Ordinary ...	12,310	11,470	10,295
		Total ...	22,443	21,737	20,433
Suits for title and other suits.	Immovable property.	Small Cause Court,	...	...	...
		Ordinary ...	6,152	6,137	6,417
		Total ...	6,152	6,137	6,417
	Others ...	Small Cause Court,	...	...	...
		Ordinary ...	2,562	2,451	2,307
		Total ...	2,562	2,451	2,307
GRAND TOTAL		Small Cause Court,	20,071	23,358	24,875
		Ordinary ...	42,664	39,535	38,148
		Total ...	62,735	62,893	63,023
Percentage		Small Cause Court,	32	37	40
		Ordinary ...	68	63	60

Ordinary litigation in Oudh thus apparently exhibited in the year of review a tendency to decrease, but the decrease under this head is more than counterbalanced by the increase under suits which were disposed of under Small Cause Court jurisdiction, the chief increase under this class being in suits for "contracts." Details for ordinary litigation in the different classes of Courts are :—

	1887.	1888.	1889.
Unpaid tribunals	2,804	3,474	3,151
Paid Subordinate tribunals	39,762	35,945	34,856
District Courts	98	116	141

Compared with 1887 an increase in the work done by unpaid tribunals is noticeable, which is apparently mainly due to the restoration of the powers of the Rája of Nánpára : and a perceptible increase in the work of District Judges took place. Details of the number of suits instituted, compared as regards their value and their number per head of population, with those for the North-Western Provinces, are :—

	1887.	1888.	1889.
Suits ... Below Rs. 10	19,233	19,567	17,591
Suits ... Ditto Rs. 50	27,925	28,660	29,723
Suits ... Above Rs. 50	15,577	14,666	15,664
Total number	62,735	62,893	62,978
Total value ... ... Rs.	94,34,051	1,01,22,938	85,00,984
Value per suit ... Rs.	150	160	134
Ditto, North-Western Provinces ... Rs.	225	255	296
Population per suit ... North-Western Provinces.	308	319	325
Population per suit ... Oudh ...	180	181	181
Percentage of suits below Rs. 50 in value to total number. North-Western Provinces.	54	53	52
Percentage of suits below Rs. 50 in value to total number. Oudh ...	75	76	75

These figures seem to indicate a greater tendency in Oudh to have recourse to petty litigation than in the North-Western Provinces ; and the following statistics for both Small Cause Court and ordinary litigation for 1889 tend to confirm this conclusion :—

	Value per suit.		*Percentage of suits below Rs. 50 to total number of suits.*	
	North-Western Provinces.	Oudh.	North-Western Provinces.	Oudh.
	Rs.	Rs.		
Small Cause Court	48	29	72	88
Ordinary	351	203	47	66

The percentage of Small Cause Court litigation to total litigation was in 1889, 39·, in the North-Western Provinces only 20· ; the number of cases being 24,875 and 19,158 respectively.

Disposals. 3. The following figures tabulate the results of the work done by the different classes of Courts in Oudh, and show the state of the pending files, for the last three years :—

	For disposal.			*Pending.*			*Percentage pending.*		
	1887.	1888.	1889.	1887.	1888.	1889.	1887.	1888.	1889.
Unpaid Courts	3,065	3,904	3,652	240	384	321	7	9	8
Paid Subordinate District Courts ...	36,961	36,074	34,140	5,447	3,745	3,701	14	10	10
Small Cause Courts	21,298	24,953	27,497	1,709	2,266	2,249	8	9	8
District Courts (other than Chief Courts),	9,200	8,663	8,099	2,007	2,519	2,244	21	29	27(a)
Chief Courts of districts	140	192	236	78	98	133	55	51	56(b)
Total, including pending ...	70,604	73,786	73,624	9,481	9,012	8,648	13	12	11

(a) Subordinate Judges. (b) District Judges.

The Courts appear on the whole to have been able to cope with the increased work they had to dispose of, for with the exception of the pending files of the Courts of Subordinate and District Judges, the number of undecided cases is not such as to create apprehension. You are of opinion that in some instances the work is unequally distributed, and that some officers have more work than they can possibly perform. I am to request that you will, after consultation with local officers, suggest for the consideration of Government means for remedying this, either by alteration of the existing jurisdictions or otherwise. Though there has not been any material increase in the percentage of cases undisposed of, there has been a considerable increase not only in the average duration, but in the number of suits which remained pending over three months, which has risen from 276 in 1886 to 2,973 in 1889. The following statement shows the average duration of both contested and uncontested suits in the different classes of Courts in both Provinces :—

Courts.	Duration in days of—									
	Oudh.						*North-Western Provinces.*			
	Contested cases.			Uncontested cases.			Contested cases.		Uncontested cases.	
I—Civil Courts.	1887.	1888.	1889.	1887.	1888.	1889.	1887.	1889.	1887.	1889.
Unpaid tribunals	58	68	85	25	56	54	41	28	18	16
Paid sub-divisional tribunals ...	75	76	77	38	44	38	57	72	24	30
Small Cause Courts	32	37	38	26	34	37	34	41	29	29
District Courts other than Chief Courts of districts.	74	119	129	53	70	74	130	102	52	61
Chief Courts of districts ...	212	313	361	89	84	124	157	176	90	68
Total ...	63	72	71	32	43	38	59	75	25	31

The rise in the case of unpaid tribunals, which are constituted specially with a view to the speedy and cheap disposal of petty litigation, is to be regretted. On the whole contested cases seem to be decided in Oudh more speedily than in the North-Western Provinces. The reverse seems

to be the case as regards uncontested suits. The character of the original work which under the existing law falls to the lot of District Judges in Oudh, as well as its amount, is more onerous than in the North-Western Provinces, and to this cause is probably due the apparently unfavorable results indicated by the figures shown above for Chief Courts of districts. Both the duration in the Courts of the Munsiffs at Lucknow, and in the Fyzabad Judgeship, and the excessive number of adjournments referred to in paragraph 16 of your report, are far from satisfactory; and on inspection of the periodical returns submitted to you, you are requested to promptly notice similar cases, and to call for such explanations as may be necessary from the officers concerned.

The manner in which the cases for disposal were decided is shown by the following figures :—

	1887.	1888.	1889.
Without trial	13,630	14,252	13,128
Without contest	26,068	28,818	28,634
Arbitration	406	351	258
With contest	21,024	21,353	22,961
Pending	9,481	9,012	8,648
Total ...	70,604	73,786	73,624
Decided *ex parte*	9,124	9,272	9,479
Percentage contested	29	28	31
Do. decided *ex parte*	12	12	12
Do. without trial	19	19	17

No marked change is apparent, save that less resort to arbitration is observable, and the percentage of suits dismissed without trial (17·) is considerably higher than it was in the North-Western Provinces during the last two years (12·).

Appellate work.

4. The results for ordinary civil appellate work were :—

	1887.	1888.	1889.
Without hearing	243	346	275
Upheld	1,889	2,181	2,299
Not upheld	1,059	1,200	1,328
Pending	1,222	1,140	921
Total ...	4,413	4,867	4,823
Pending over three months	478	467	422
Percentage of pending to total	27	23	19
Percentage on total decided of—			
Appeals upheld	60	59	59*
Do. not upheld	33	32	34†
Do. decided without trial	7	9	7‡

N.-W. Provinces, 1889, { * 57, † 39, ‡ 4 }

Little variation is noticeable, and the percentages do not differ much from those for the North-Western Provinces, but in the latter Provinces it is evident that there is a greater readiness to appeal :—

	Original suits disposed of.		*First appeals filed.*		*Percentage.*	
	N.-W. P.	Oudh.	N.-W. P.	Oudh.	N.-W. P.	Oudh.
1887	...	61,123	...	4,418	...	7·2
1888	...	64,774	...	4,867	...	7·5
1889	96,061	64,976	15,930	4,823	16·	7·4

The duration (in days) of appeals was :—

	1887.	1888.	1889.
Subordinate Judges' Courts ...	60	87	64
District Judges' Courts ...	128	133	139

It exhibits a steady increase in the latter Courts, and the state of affairs at Fyzabad is abnormal : for out of 728 appeals which remained pending at the close of 1889, in the Courts of the four District Judges in Oudh, 295 belonged to that Judgeship and 14 of these were instituted in the year 1887 and 252 in 1888, while the average duration reached 200 days. The duration in the Subordinate Judge's Court at Bahraich also was abnormal, and reached 124 days. The question of affording additional aid to this officer is under consideration.

The state of the miscellaneous appellate files shows an improvement. The number of appeals pending fell from 104 to 57, and the duration from 79 to 65 days and from 65 to 55 days in Judges' and Subordinate Judges' Courts respectively.

Execution of decrees.

5. The result of applications for execution of decrees is apparent from the following figures :—

	1887.	1888.	1889.
Infructuous	18,991	16,412	16,895
Satisfied wholly or partly	17,050	18,774	20,033
Pending	4,937	4,787	5,882
Total ...	35,978	39,973	42,810
Pending over three months	1,220	1,408	1,705
Percentage of decrees executed which were infructuous,	45	46	45

	Amount recovered.	
	With issue of process.	Without issue of process.
	Rs.	Rs.
1887	10,35,334	1,01,364
1888	16,98,296	66,929
1889	9,21,350	87,487

On the whole, the Courts appear to have been as successful in 1889 as in former years in executing decrees, and the percentage of infructuous decrees to the total number executed was much smaller than the corresponding percentage for the North-Western Provinces, which was 61. Your attention is called to the fact that no entries appear in column 3 of Statement XI, while for the North-Western Provinces 7,568 applications were disposed of by transfer, either under section 223 or section 320 of the Civil Procedure Code. You are requested to explain why in Oudh no applications are disposed of by transfer. The number of applications pending at the close of the year was proportionately larger in the Courts of Subordinate and District Judges than elsewhere.

Witnesses.

6. The number of witnesses examined and discharged was as follows:—

		1887.	1888.	1889.
Ordinary jurisdiction.	Discharged on 1st day ...	52,293	55,240	56,043
	Do. on 2nd " ...	1,408	1,518	1,061
	Do. after 2nd " ...	350	498	352
	Total ...	54,051	57,256	57,456
Small Cause Court jurisdiction.	Discharged on 1st day ...	3,409	2,918	3,053
	Do. after " ...	122	81	67
	Total ...	3,531	2,999	3,120

It is creditable to the Courts that there was little, if any, unnecessary detention of witnesses.

II.—Rent litigation—Institutions.

7. Institutions under the Rent Act (XXII of 1886) show a progressive rise since the introduction of the Act. The figures for the last three years are:—

	1887.	1888.	1889.
Unpaid tribunals	230	559	575
Paid sub-divisional tribunals	26,562	27,269	32,032
District Courts	5	17	7
Total ...	26,797	27,845	32,614
Total value ... ... Rs.	9,08,513	9,43,520	10,98,113
Value per suit ... ... "	33	33	33

The increase during the past year was most marked in the Rae Bareli and in a less degree in the Sultanpur district. In the latter district it

is ascribed to the removal of certain restrictions imposed on Tahsíldárs Courts. These restrictions were probably due to orders passed by the District Officer under section 121 of the Act, who was doubtless guided by his personal knowledge of the qualifications of his Tahsíldárs. With reference to your remarks at the end of paragraph 47 of your report, I am to say that you can call on Deputy Commissioners at any time to submit, for your information, copies of any orders they may pass regarding the distribution of work among Courts subordinate to them. The cause of the increase in Rae Bareli, which was more marked, would appear to call for more detailed inquiry.

Disposals.

8. The following figures from the year 1886 seem to show that, though on the introduction of the Act in that year institutions received a check, the work in both the unpaid and the paid local tribunals has since steadily increased:—

For disposal.	*Regular.*				*Miscellaneous.*			
	1886.	1887.	1888.	1889.	1886.	1887.	1888.	1889.
Unpaid tribunals ...	167	237	633	617	18	9	51	21
Paid sub-divisional tribunals...	10,146	12,028	12,016	14,672	9,869	2,306	3,708	7,981
Subordinate Courts ...	24,673	16,769	18,174	20,551	9,397	3,200	2,823	3,492
District Courts ...	41	7	23	10	38	187	614	1,266
Total ...	35,027	29,041	30,846	35,850	19,317	5,702	7,196	12,760

The marked increase in the last two years in miscellaneous cases has been explained in paragraph 54 of your report. Details regarding the manner in which the cases for disposal were decided are:—

	Regular.			*Miscellaneous.*		
	1887.	1888.	1889.	1887.	1888.	1889.
Without trial	4,006	3,818	4,194	769	990	848
Without contest	11,199	11,270	14,038	2,317	3,184	6,887
Contested	11,597	13,205	14,066	2,414	2,865	4,272
Arbitration	27	68	19	...	...	...
Pending	2,212	2,485	3,533	202	207	753
Total ...	29,041	30,846	35,850	5,702	7,196	12,760
Ex parte	6,442	6,731	8,207	1,984	2,502	5,917
Duration in days.						
Contested	32	31	31	26	20	24
Uncontested	24	21	21	19	12	13
Pending over three months ...	47	44	25	4	8	2
Percentage contested ...	43	46	43	Calculated on total *minus* pending.		
Ditto decided without contest,	41	39	43			
Ditto ditto on arbitration,	...	...	...			
Ditto ditto without trial,	16	15	14			

No material increase in the duration is noticeable: the proportion of regular cases which remained pending over three months to the total number undisposed of is very small. If the figures in Statement IX

are correct, it is remarkable that in the following Courts the duration in contested should be less than in uncontested cases :—

SUITS.	*Contested.*	*Uncontested.*
	Days.	Days.
Unpaid local tribunals	27	28
Paid subordinate „	17	25
District Courts	111	116
MISCELLANEOUS CASES.		
Unpaid local tribunals	18	42
District Courts	25	32

The duration in District Courts shows considerable variation during the last five years :—

	Contested.	Uncontested.
1885	28	29
1886	57	33
1887	200	70
1888	26	1
1889	111	116

You ascribe the high duration in 1889 to the fact that exceptionally heavy suits had to be adjourned frequently in the interests of the parties. The number of such heavy suits was however small, there having been only two over Rs. 10,000 in value, and two between Rs. 5,000 and Rs. 10,000.

Appellate work. 9. Turning to appellate rent work in the Courts of Deputy Commissioners and Commissioners, we find the following results :—

	Regular.			*Miscellaneous.*		
	1887.	1888.	1889.	1887.	1888.	1889.
Decided without trial	185	105	187	25	26	13
Confirmed	1,555	1,361	1,569	127	109	81
Not confirmed	1,010	817	999	114	59	55
Pending	330	620	521	7	20	20
Total ...	3,080	2,903	3,276	273	214	169
Pending over three months	8	247	166	...	7	8
Duration in days	103	69	90	65	30	36
Percentage upheld	56	59	56	Calculated on total *minus* pending.		
Ditto not upheld	38	37	38			
Ditto decided without trial	6	4	6			

Only a little more than half the decisions of Subordinate Courts were upheld. The duration in Deputy Commissioners' Courts has considerably increased:—

	Duration in days.		
	1887.	1888.	1889.
Collectors	35	34	33
Commissioners	93	89	95

In Gonda it reached 208 days, and was due to the Commissioner having transferred 257 appeals after they had remained pending in his Court for some time. Such procedure should be avoided.

Execution of Rent decrees.

10. The figures for execution of rent decrees for the last three years are:—

	1887.	1888.	1889.
Partly or wholly satisfied	9,398	9,905	9,810
Infructuous	4,212	4,247	4,512
Pending	1,210	993	1,304
Total	14,820	15,145	15,626
Percentage of decrees executed which were infructuous,	30	30	31

This class of work shows a steady tendency to increase, but the proportion of infructuous applications is much smaller than in Civil Courts (31 against 45).

17,690 witnesses were examined, only 267 being detained two days.

III.—Financial results.

11. The total receipts shown in Statement H (page 29 of the report) amounted to Rs. 6,84,125, and the expenditure to Rs. 4,72,119, leaving a surplus of Rs. 2,12,006. The corresponding figures for 1888 are Rs. 6,25,107, Rs. 4,63,828 and Rs. 1,61,270 respectively, and thus the surplus in 1889 has increased by 31 per cent. You are requested to explain why column 8 of this statement is blank, and what is the procedure adopted in Oudh regarding intestate property. The average number of processes served by Courts in Oudh varied from 617 in Fyzabad to 296 in Sitapur, the corresponding figures for 1888 being 718 and 267. A deficit amounting to Rs. 428 is again noticed in the districts of Sitapur and Hardoi, though this amount is considerably less than it was in 1888 (Rs. 1,041). Sitapur is the only district in which the average number of processes served fell below the prescribed number (350). The total number of processes served there was only 3,558 against an average of 14,420 per district for the Province.

You doubt the accuracy of the return (No. XVI), and the result of your inquiries on this point will be awaited.

IV.—Judicial Commissioner's Court.

12. Details of the work in your own Court are:—

	Civil Appeals.						Rent Appeals.		
	From original decrees.			*From appellate decrees.*			*From appellate decrees.*		
	1887.	1888.	1889.	1887.	1888.	1889.	1887.	1888.	1889.
Uncontested (including *ex parte*) ...	1	1	8	17	11	45	106	101	81
Contested	36	32	48	258	274	180	340	250	144
Pending	33	70	100	244	321	547	196	177	279
Of these over three months ...	22	54	81	149	225	456	155	131	180
Duration (in days)	204	317	423	200	295	374	142	231	211

The increase in the number of first appeals decided in 1889 is counterbalanced by a falling off in the number of contested second appeals, both civil and rent, disposed of: the pending files are heavier and the number of those of over three months' standing, together with the average duration, exhibits a material increase. Miscellaneous appeals were much fewer in number. The percentage of decisions confirmed in regular civil appeal was 60 against 63 in 1888: the similar percentages for the North-Western Provinces being 77 and 68: 62 per cent. of decisions in rent cases were upheld in 1889: in 1887 the percentage was only 49. Applications for revision under section 622 of the Code of Civil Procedure numbered 310 against 258 in 1888: 203 were disposed of, with the result that in only 17 instances was interference considered necessary.

I have the honor to be,

Sir,

Your most obedient servant,

J. B. THOMSON,

Secy. to Govt., N.-W. P. and Oudh.